



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3689

Introduced 2/18/2025, by Rep. Mary Beth Canty

SYNOPSIS AS INTRODUCED:

See Index

Amends the Preventing Sexual Violence in Higher Education Act. Makes changes concerning definitions. Requires a higher education institution's comprehensive policy to include digital sexual harassment and doxing. Makes changes concerning the components of the comprehensive policy and the notification of a survivor's rights and options, including providing a summary of the higher education institution's process for protecting survivors from retaliation. Provides that a confidential advisor is separate from the advisor specific to a complaint resolution procedure, and makes other changes concerning advisors. Makes changes concerning complaint resolution procedures, including prohibiting a higher education institution from distributing any evidence that includes a private or intentionally digitally altered sexual image by physical or electronic means and requiring a higher education institution to enact and implement a policy and process for early resolution of any retaliatory report, claim, counterclaim, or complaint made to the higher education institution by a respondent or any other individual against a survivor. Makes changes concerning training. Provides that a survivor has a cause of action against any higher education institution that fails to exercise due diligence in responding to sexual violence, domestic violence, dating violence, stalking, doxing, digital sexual harassment, or any other sex-based harassment that the higher education institution knew or should have known about. Sets forth the relief a prevailing survivor is entitled to. Effective immediately.

LRB104 08892 LNS 18947 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Preventing Sexual Violence in Higher
5 Education Act is amended by changing Sections 5, 10, 15, 20,
6 25, and 30 and by adding Sections 50 and 55 as follows:

7 (110 ILCS 155/5)

8 Sec. 5. Definitions. In this Act:

9 "Awareness programming" means institutional action
10 designed to communicate the prevalence of sexual violence,
11 including without limitation training, poster and flyer
12 campaigns, electronic communications, films, guest speakers,
13 symposia, conferences, seminars, or panel discussions.

14 "Bystander intervention" includes without limitation the
15 act of challenging the social norms that support, condone, or
16 permit sexual violence.

17 "Complainant" means a student who files a complaint
18 alleging violation of the comprehensive policy through the
19 higher education institution's complaint resolution procedure.

20 "Comprehensive policy" means a policy created and
21 implemented by a higher education institution to address
22 student allegations of sexual violence, domestic violence,
23 dating violence, and stalking.

1 "Confidential advisor" means a person who is employed or
2 contracted by a higher education institution to provide
3 emergency and ongoing support to student survivors of sexual
4 violence with the training, duties, and responsibilities
5 described in Section 20 of this Act. "Confidential advisor"
6 does not include the advisor specific to a complaint
7 resolution procedure.

8 "Dating violence" means any act of abuse committed by a
9 person who is or has been in a romantic or intimate
10 relationship with a survivor.

11 "Digital sexual harassment" means technology-facilitated
12 abusive acts, including the intentional or threatened
13 dissemination of a private or intentionally digitally altered
14 sexual image without the depicted individual's consent, as
15 defined in the Civil Remedies for Nonconsensual Dissemination
16 of Private Sexual Images Act.

17 "Domestic violence" means any act of abuse as defined in
18 the Illinois Domestic Violence Act of 1986.

19 "Doxing" means an act when an individual intentionally
20 publishes another person's personally identifiable information
21 without the consent of the person whose information is
22 published and the information is published with the intent
23 that it be used to harm or harass the person whose information
24 is published and with knowledge or reckless disregard that the
25 person whose information is published would be reasonably
26 likely to suffer death, bodily injury, or stalking, as defined

1 in the Civil Liability for Doxing Act. "Doxing" does not
2 include a survivor identifying a respondent or other person
3 who harmed the survivor.

4 "Higher education institution" means a public university,
5 a public community college, or an independent, not-for-profit
6 or for-profit higher education institution located in this
7 State.

8 "Lack of capacity" means an inability to give knowing and
9 affirming consent.

10 "Primary prevention programming" means institutional
11 action and strategies intended to prevent sexual violence
12 before it occurs by means of changing social norms and other
13 approaches, including without limitation training, poster and
14 flyer campaigns, electronic communications, films, guest
15 speakers, symposia, conferences, seminars, or panel
16 discussions.

17 "Respondent" means a student involved in the complaint
18 resolution procedure who has been accused of violating a
19 higher education institution's comprehensive policy.

20 "Retaliation" means intimidation, threats, coercion, or
21 discrimination against any person by a higher education
22 institution, a student, or an employee or other individual
23 authorized by a higher education institution to provide aid, a
24 benefit, or a service under a higher education institution's
25 education program or activity or a third party acting on the
26 employee's or other individual's behalf, for the purpose of

1 interfering with any right or privilege secured by this Act or
2 Title IX of the federal Education Amendments of 1972, because
3 the person has reported information, made a complaint,
4 testified, assisted, or participated or refused to participate
5 in any manner in an investigation, proceeding, or hearing,
6 including in an informal resolution process.

7 "Sexual violence" means physical sexual acts attempted or
8 perpetrated against a person's will or when a person is
9 incapable of giving consent, including without limitation
10 rape, sexual assault, sexual battery, sexual abuse, and sexual
11 coercion.

12 "Stalking" means when an individual engages in a course of
13 conduct directed at a specific person and when that individual
14 knows or should know that this course of conduct would cause a
15 reasonable person to fear for the person's safety, as defined
16 in the Stalking No Contact Order Act. "Stalking" includes
17 following a person, conducting surveillance of the person,
18 appearing at the person's home, work, or school, making
19 unwanted phone calls, sending unwanted emails, sending
20 unwanted messages via social media, sending unwanted text
21 messages, leaving objects for the person, vandalizing the
22 person's property, injuring a pet, or using any electronic
23 tracking system or acquiring tracking information to determine
24 the targeted person's location, movement, or travel patterns.

25 "Survivor" means a student who has experienced sexual
26 violence, domestic violence, dating violence, or stalking

1 ~~while enrolled at a higher education institution.~~

2 "Survivor-centered" means a systematic focus on the needs
3 and concerns of a survivor of sexual violence, domestic
4 violence, dating violence, or stalking that (i) ensures the
5 compassionate and sensitive delivery of services in a
6 nonjudgmental manner; (ii) ensures an understanding of how
7 trauma affects survivor behavior; (iii) maintains survivor
8 safety, privacy, and, if possible, confidentiality; and (iv)
9 recognizes that a survivor is not responsible for the sexual
10 violence, domestic violence, dating violence, or stalking.

11 "Trauma-informed response" means a response involving an
12 understanding of the complexities of sexual violence, domestic
13 violence, dating violence, or stalking through training
14 centered on the neurobiological impact of trauma, the
15 influence of societal myths and stereotypes surrounding sexual
16 violence, domestic violence, dating violence, or stalking, and
17 understanding the behavior of perpetrators. "Trauma-informed
18 response" includes empowering survivors to make their own
19 decisions regarding care, healing, supportive measures, and
20 whether to report or engage with systems and then supporting
21 those decisions.

22 (Source: P.A. 99-426, eff. 8-21-15.)

23 (110 ILCS 155/10)

24 Sec. 10. Comprehensive policy. All ~~On or before August 1,~~
25 ~~2016,~~ all higher education institutions shall adopt a

1 comprehensive policy concerning sexual violence, domestic
2 violence, dating violence, ~~and~~ stalking, digital sexual
3 harassment, and doxing consistent with governing federal and
4 State law. The higher education institution's comprehensive
5 policy shall include, at a minimum, all of the following
6 components:

7 (1) A definition of consent that, at a minimum,
8 recognizes that (i) consent is a freely given agreement to
9 sexual activity, (ii) a person's lack of verbal or
10 physical resistance or submission resulting from the use
11 or threat of force does not constitute consent, (iii) a
12 person's manner of dress does not constitute consent, (iv)
13 a person's consent to past sexual activity does not
14 constitute consent to future sexual activity, (v) a
15 person's consent to engage in sexual activity with one
16 person does not constitute consent to engage in sexual
17 activity with another, (vi) a person can withdraw consent
18 at any time, and (vii) a person cannot consent to sexual
19 activity if that person is unable to understand the nature
20 of the activity or give knowing consent due to
21 circumstances, including without limitation the following:

22 (A) the person exhibits a lack of capacity ~~is~~
23 ~~incapacitated~~ due to the use or influence of alcohol
24 or drugs;

25 (B) the person is asleep or unconscious;

26 (C) the person is under age; or

1 (D) the person exhibits a lack of capacity ~~is~~
2 ~~incapacitated~~ due to a mental disability.

3 Nothing in this Section prevents a higher education
4 institution from defining consent in a more demanding
5 manner.

6 (2) Procedures that students of the higher education
7 institution may follow if they choose to report an alleged
8 violation of the comprehensive policy, regardless of where
9 the incident of sexual violence, domestic violence, dating
10 violence, or stalking occurred, including all of the
11 following:

12 (A) Name and contact information for the Title IX
13 coordinator, campus law enforcement or security, local
14 law enforcement, and the community-based sexual
15 assault crisis center.

16 (B) The name, title, and contact information for
17 confidential advisors and other confidential resources
18 and a description of what confidential reporting
19 means.

20 (C) Information regarding the various individuals,
21 departments, or organizations to whom a student may
22 report a violation of the comprehensive policy,
23 specifying for each individual and entity (i) the
24 extent of the individual's or entity's reporting
25 obligation, (ii) the extent of the individual's or
26 entity's ability to protect the student's privacy, and

1 (iii) the extent of the individual's or entity's
2 ability to have confidential communications with the
3 student.

4 (D) An option for students to electronically
5 report.

6 (E) An option for students to anonymously report.

7 (F) An option for students to confidentially
8 report.

9 (G) An option for reports by third parties and
10 bystanders. However, while third parties and
11 bystanders may report, no complaint resolution
12 procedure may begin unless the survivor agrees to
13 proceed with a report.

14 (H) Information about how the higher education
15 institution protects individuals who report from
16 retaliation.

17 (3) The higher education institution's procedure for
18 responding to a report of an alleged incident of sexual
19 violence, domestic violence, dating violence, or stalking,
20 including without limitation (i) assisting and
21 interviewing the survivor, (ii) identifying and locating
22 witnesses, (iii) contacting and interviewing the
23 respondent, (iv) contacting and cooperating with law
24 enforcement, when applicable, ~~and~~ (v) providing
25 information regarding the importance of preserving
26 physical evidence of the sexual violence and the

1 availability of a medical forensic examination at no
2 charge to the survivor, and (vi) protecting the survivor
3 from retaliation, including a policy and process for early
4 resolution of any retaliatory claim by a respondent or
5 other individual against a survivor, including, but not
6 limited to, a claim of defamation, harassment, or bullying
7 or any other claimed violation of the comprehensive policy
8 in which the actions alleged by the respondent or other
9 individual are related to the survivor's report.

10 (4) A statement of the higher education institution's
11 obligation to provide survivors with concise information,
12 written in plain language, concerning the survivor's
13 rights and options, upon receiving a report of an alleged
14 violation of the comprehensive policy, as described in
15 Section 15 of this Act.

16 (5) The name, address, and telephone number of the
17 medical facility nearest to each campus of the higher
18 education institution where a survivor may have a medical
19 forensic examination completed at no cost to the survivor,
20 pursuant to the Sexual Assault Survivors Emergency
21 Treatment Act.

22 (6) The name, telephone number, address, and website
23 URL, if available, of community-based, State, and national
24 sexual assault crisis centers.

25 (7) A statement notifying survivors of the interim
26 protective measures and accommodations reasonably

1 available from the higher education institution that a
2 survivor may request in response to an alleged violation
3 of the comprehensive policy, including without limitation
4 changes to academic, living, dining, transportation, and
5 working situations, obtaining and enforcing campus no
6 contact orders, and honoring an order of protection or no
7 contact order entered by a State civil or criminal court.
8 Mutual no contact orders between a complainant and a
9 respondent are prohibited.

10 (8) The higher education institution's complaint
11 resolution procedures if a student alleges violation of
12 the comprehensive violence policy, including, at a
13 minimum, the guidelines set forth in Section 25 of this
14 Act.

15 (9) A statement of the range of sanctions the higher
16 education institution may impose following the
17 implementation of its complaint resolution procedures in
18 response to an alleged violation of the comprehensive
19 policy. Sanctions may include, but are not limited to,
20 suspension, expulsion, or removal of the student found,
21 after complaint resolution procedures, to be in violation
22 of the comprehensive policy of the higher education
23 institution.

24 (10) A statement of the higher education institution's
25 obligation to include an amnesty provision that provides
26 immunity to any student who reports, in good faith, an

1 alleged violation of the higher education institution's
2 comprehensive policy to a responsible employee, as defined
3 by federal law, so that the reporting student will not
4 receive a disciplinary sanction by the institution for a
5 student conduct violation, such as underage drinking or
6 possession or use of a controlled substance, that is
7 revealed in the course of such a report, unless the
8 institution determines that the violation ~~was egregious,~~
9 ~~including without limitation an action that~~ places the
10 health or safety of any other person at significant or
11 serious risk.

12 (11) A statement of the higher education institution's
13 prohibition on retaliation against those who, in good
14 faith, report or disclose an alleged violation of the
15 comprehensive policy, file a complaint, or otherwise
16 participate in the complaint resolution procedure and
17 available sanctions for individuals who engage in
18 retaliatory conduct.

19 (Source: P.A. 99-426, eff. 8-21-15; 99-741, eff. 8-5-16;
20 100-1087, eff. 1-1-19.)

21 (110 ILCS 155/15)

22 Sec. 15. Student notification of rights and options.

23 (a) Upon ~~On or before August 1, 2016, upon~~ being notified
24 of an alleged violation of the comprehensive policy by or on
25 behalf of a student, each higher education institution shall,

1 at a minimum, provide the survivor, when identified, with a
2 concise notification, written in plain language, of the
3 survivor's rights and options, including without limitation:

4 (1) the survivor's right to report or not report the
5 alleged incident to the higher education institution, law
6 enforcement, or both, including information about the
7 survivor's right to privacy and which reporting methods
8 are confidential;

9 (2) the contact information for the higher education
10 institution's Title IX coordinator or coordinators,
11 confidential advisors, a community-based sexual assault
12 crisis center, campus law enforcement, and local law
13 enforcement;

14 (3) the survivor's right to request and receive
15 assistance from campus authorities in notifying law
16 enforcement;

17 (4) the survivor's ability to request interim
18 protective measures and accommodations for survivors,
19 including without limitation changes to academic, living,
20 dining, working, and transportation situations, obtaining
21 and enforcing a campus-issued order of protection or no
22 contact order, if such protective measures and
23 accommodations are reasonably available, and an order of
24 protection or no contact order in State court;

25 (5) the higher education institution's ability to
26 provide assistance, upon the survivor's request, in

1 accessing and navigating campus and local health and
2 mental health services, counseling, and advocacy services;
3 ~~and~~

4 (6) a summary of the higher education institution's
5 complaint resolution procedures, under Section 25 of this
6 Act, if the survivor reports a violation of the
7 comprehensive policy; and -

8 (7) a summary of the higher education institution's
9 process for protecting survivors from retaliation,
10 including the policy and process under Section 25 for
11 early resolution of retaliatory claims by a respondent or
12 any other individual against a survivor.

13 (b) Within 12 hours after receiving a ~~an electronic~~
14 report, the higher education institution shall respond to the
15 ~~electronic~~ reporter and the survivor, if known, and, at a
16 minimum, provide the information described in subdivisions (1)
17 through (7) ~~(6)~~ of subsection (a) of this Section and a list of
18 available resources. The higher education institution may
19 choose the manner in which it responds including, but not
20 limited to, through verbal or electronic communication.
21 Nothing in this subsection (b) limits a higher education
22 institution's obligations under subsection (a) of this
23 Section.

24 (Source: P.A. 99-426, eff. 8-21-15.)

25 (110 ILCS 155/20)

1 Sec. 20. Confidential advisor.

2 (a) Each higher education institution shall provide
3 students with access to confidential advisors to provide
4 emergency and ongoing support to survivors of sexual violence.

5 (b) The confidential advisors may not be individuals on
6 campus who are designated as responsible employees under Title
7 IX of the federal Education Amendments of 1972. Nothing in
8 this Section precludes a higher education institution from
9 partnering with a community-based sexual assault crisis center
10 to provide confidential advisors.

11 (b-5) A confidential advisor is separate from the advisor
12 specific to a complaint resolution procedure. Survivors have a
13 right to have both a support person, which may be the
14 confidential advisor if the person so chooses, and an advisor
15 specific to the complaint resolution procedure at any meeting
16 or proceeding related to an alleged violation of the
17 comprehensive policy or under Title IX of the federal
18 Education Amendments of 1972. The higher education institution
19 must not require or appoint the confidential advisor to serve
20 as the survivor's complaint resolution procedure advisor.

21 (c) All confidential advisors shall receive 40 hours of
22 training on sexual violence, if they have not already
23 completed this 40-hour training, before being designated a
24 confidential advisor and shall attend a minimum of 6 hours of
25 ongoing education training annually on issues related to
26 sexual violence to remain a confidential advisor. Confidential

1 advisors shall also receive periodic training on the campus
2 administrative processes, interim protective measures and
3 accommodations, and complaint resolution procedures.

4 (d) In the course of working with a survivor, each
5 confidential advisor shall, at a minimum, do all of the
6 following:

7 (1) Inform the survivor of the survivor's choice of
8 possible next steps regarding the survivor's reporting
9 options and possible outcomes, including without
10 limitation reporting pursuant to the higher education
11 institution's comprehensive policy and notifying local law
12 enforcement.

13 (2) Notify the survivor of resources and services for
14 survivors of sexual violence, including, but not limited
15 to, student services available on campus and through
16 community-based resources, including without limitation
17 sexual assault crisis centers, medical treatment
18 facilities, counseling services, legal resources, medical
19 forensic services, and mental health services. A
20 confidential advisor must inform the survivor if
21 requesting or receiving certain resources or services that
22 may affect confidentiality.

23 (3) Inform the survivor of the survivor's rights and
24 the higher education institution's responsibilities
25 regarding orders of protection, no contact orders, or
26 similar lawful orders issued by the higher education

1 institution or a criminal or civil court.

2 (4) Provide confidential services to and have
3 privileged, confidential communications with survivors of
4 sexual violence in accordance with Section 8-804 of the
5 Code of Civil Procedure.

6 (5) Upon the survivor's request and as appropriate,
7 liaise with campus officials, community-based sexual
8 assault crisis centers, or local law enforcement and, if
9 requested, assist the survivor with contacting and
10 reporting to campus officials, campus law enforcement, or
11 local law enforcement. A confidential advisor must inform
12 the survivor if requesting or receiving certain resources
13 or services that may affect confidentiality.

14 (6) Upon the survivor's request, liaise with the
15 necessary campus authorities to secure interim protective
16 measures and accommodations for the survivor. These
17 measures may include, but are not limited to, counseling;
18 extensions of deadlines and other course-related
19 adjustments; campus escort services; increased security
20 and monitoring of certain areas of the campus; campus no
21 contact orders and honoring an order of protection or no
22 contact order entered by a State civil or criminal court;
23 leaves of absence to seek medical help, legal assistance,
24 counseling, safety planning, or other assistance without
25 penalty from the higher education institution; excused
26 absences to attend, participate in, or prepare for a court

1 proceeding; changes in a class, work, housing, or an
2 extracurricular or any other activity, regardless of
3 whether there is a comparable alternative; and training
4 and education programs related to sex-based harassment.

5 (7) Upon the survivor's request, liaise with the
6 necessary campus authorities to assist the survivor in
7 responding to and advocating against any retaliation by
8 the respondent or any other individual, including agents
9 of the higher education institution, and this may include
10 assistance with the policy and process for early
11 resolution of retaliatory claims by the respondent or any
12 other individual against the survivor.

13 (Source: P.A. 99-426, eff. 8-21-15.)

14 (110 ILCS 155/25)

15 Sec. 25. Complaint resolution procedures.

16 (a) On or before August 1, 2016, each campus of a higher
17 education institution shall adopt one procedure to resolve
18 complaints of alleged student violations of the comprehensive
19 policy.

20 (b) For each campus, a higher education institution's
21 complaint resolution procedures for allegations of student
22 violation of the comprehensive policy shall provide, at a
23 minimum, all of the following:

24 (1) Complainants alleging student violation of the
25 comprehensive policy shall have the the right to have

1 ~~opportunity to request that~~ the complaint resolution
2 procedure begin promptly and be completed within 120 days
3 after the complaint was received by the higher education
4 institution. A reasonable extension of this timeframe is
5 allowed on a case-by-case basis for good cause, with
6 notice to the parties that includes the reason for the
7 delay. Written notification must be provided to a survivor
8 and the respondent if the complaint resolution procedure
9 extends beyond 120 days. A survivor shall have a right to
10 the consideration of any additional accommodations that
11 may be necessary due to a delay in the complaint
12 resolution procedure ~~proceed in a timely manner.~~

13 (2) The higher education institution shall determine
14 the individuals who will resolve complaints of alleged
15 student violations of the comprehensive policy.

16 (3) All individuals whose duties include resolution of
17 complaints of student violations of the comprehensive
18 policy shall receive a minimum of 8 to 10 hours of annual
19 training on issues related to sexual violence, domestic
20 violence, dating violence, and stalking and how to conduct
21 the higher education institution's complaint resolution
22 procedures, in addition to the annual training required
23 for employees as provided in subsection (c) of Section 30
24 of this Act. The initial training must be completed prior
25 to such individuals participating in the investigation of
26 and resolution of complaints.

1 (4) The higher education institution shall have a
2 sufficient number of individuals trained to resolve
3 complaints so that (i) a substitution can occur in the
4 case of a conflict of interest or recusal and (ii) an
5 individual or individuals with no prior involvement in the
6 initial determination or finding hear any appeal brought
7 by a party.

8 (5) The individual or individuals resolving a
9 complaint shall use a preponderance of the evidence
10 standard to determine whether the alleged violation of the
11 comprehensive policy occurred.

12 (6) The complainant and respondent shall (i) receive
13 notice of the individual or individuals with authority to
14 make a finding or impose a sanction in their proceeding
15 before the individual or individuals initiate contact with
16 either party and (ii) have the opportunity to request a
17 substitution if the participation of an individual with
18 authority to make a finding or impose a sanction poses a
19 conflict of interest.

20 (7) The higher education institution shall have a
21 procedure to determine interim protective measures and
22 accommodations available pending the resolution of the
23 complaint. Such interim protective measures must not be
24 overly burdensome to the survivor or result in excluding
25 the survivor from participation in, denying the survivor
26 the benefits of, or subjecting the survivor to

1 discrimination under any education program or activity or
2 otherwise interfere with any right or privilege secured by
3 this Act or Title IX of the federal Education Amendments
4 of 1972. The higher education institution shall bear the
5 cost of reasonable interim accommodations. The higher
6 education institution shall have a procedure for providing
7 reasonable interim protective measures and accommodations
8 to all students who report sexual violence, domestic
9 violence, stalking, doxing, digital sexual harassment, and
10 dating violence. Such measures and accommodations shall be
11 available even if a student does not file a formal
12 complaint, the student's complaint is dismissed, or there
13 is no finding of responsibility in the complaint
14 resolution procedure.

15 (8) Any proceeding, meeting, or hearing held to
16 resolve complaints of alleged student violations of the
17 comprehensive policy shall protect the privacy of the
18 participating parties and witnesses.

19 (9) The complainant, regardless of this person's level
20 of involvement in the complaint resolution procedure, and
21 the respondent shall have the opportunity to provide or
22 present evidence and witnesses on their behalf during the
23 complaint resolution procedure.

24 (9.5) The higher education institution may not
25 distribute any evidence that includes a private or
26 intentionally digitally altered sexual image by physical

1 or electronic means, except as legally required by a
2 subpoena or court order or as requested by the survivor.
3 The complainant, the respondent, and each party's advisor
4 shall have the opportunity to view physical or electronic
5 copies of any private or intentionally digitally altered
6 sexual image evidence in person in a higher education
7 institution office and only in the presence of an
8 individual resolving the complaint. Each party and each
9 party's advisor must not create physical or electronic
10 copies of private or intentionally digitally altered
11 sexual image evidence. All private or intentionally
12 digitally altered sexual image evidence must be destroyed
13 by the higher education institution within 30 days after a
14 written notification of the results of the complaint
15 resolution procedure if there is no appeal, within 30 days
16 after the conclusion of an appeal or final disposition, or
17 within 30 days after the conclusion of the review of
18 findings or sanctions.

19 (10) The complainant, ~~and~~ the respondent, and each
20 party's complaint resolution procedure advisor, may not
21 directly question the other party ~~cross-examine one~~
22 ~~another,~~ but may, at the discretion and direction of the
23 individual or individuals resolving the complaint, suggest
24 questions to be posed to the party by the individual or
25 individuals resolving the complaint ~~and respond to the~~
26 ~~other party.~~

1 (11) Both parties may request and must be allowed to
2 have an advisor of their choice accompany them to any
3 meeting or proceeding related to an alleged violation of
4 the comprehensive policy, provided that the involvement of
5 the advisor does not result in undue delay of the meeting
6 or proceeding. The advisor must comply with any rules in
7 the higher education institution's complaint resolution
8 procedure regarding the advisor's role. If the advisor
9 violates the rules or engages in behavior or advocacy that
10 harasses, abuses, or intimidates either party, a witness,
11 or an individual resolving the complaint, that advisor may
12 be prohibited from further participation.

13 (12) The complainant and the respondent may not be
14 compelled to testify, if the complaint resolution
15 procedure involves a hearing, in the presence of the other
16 party. If a party invokes this right, the higher education
17 institution shall provide a procedure by which each party
18 can, at a minimum, hear the other party's testimony. An
19 advisor specific to the complaint resolution procedure is
20 separate from a confidential advisor.

21 (12.5) Survivors of sexual violence, domestic
22 violence, dating violence, digital sexual harassment,
23 doxing, or stalking have a right to have both a
24 confidential advisor and an advisor specific to the
25 complaint resolution procedure at any meeting or
26 proceeding related to an alleged violation of the

1 comprehensive policy or under Title IX of the federal
2 Education Amendments of 1972.

3 (13) The complainant and the respondent are entitled
4 to simultaneous, written notification of the results of
5 the complaint resolution procedure, including information
6 regarding appeal rights, within 7 days of a decision or
7 sooner if required by State or federal law.

8 (14) The complainant and the respondent shall, at a
9 minimum, have the right to timely appeal the complaint
10 resolution procedure's findings or imposed sanctions if
11 the party alleges (i) a procedural error occurred, (ii)
12 new information exists that would substantially change the
13 outcome of the finding, or (iii) the sanction is
14 disproportionate with the violation. The individual or
15 individuals reviewing the findings or imposed sanctions
16 shall not have participated previously in the complaint
17 resolution procedure and shall not have a conflict of
18 interest with either party. The complainant and the
19 respondent shall receive notice of any appeal and the
20 allegations asserted in writing within 7 days after it
21 being submitted to the higher education institution and
22 notice of the appeal decision in writing within 7 days
23 after the conclusion of the review of findings or
24 sanctions or sooner if required by federal or State law.

25 (15) The higher education institution shall not
26 disclose the identity of the survivor or the respondent,

1 except as necessary to resolve the complaint or to
2 implement interim protective measures and accommodations
3 or when provided by State or federal law.

4 (16) The higher education institution shall enact and
5 implement a policy and process for early resolution of any
6 retaliatory report, claim, counterclaim, or complaint made
7 to the higher education institution by a respondent or any
8 other individual against a survivor, including, but not
9 limited to, an allegation of defamation, harassment, or
10 bullying or any other policy violation. The early
11 resolution process shall be used at the survivor's request
12 or anytime the actions alleged in a report, claim,
13 counterclaim, or complaint against a survivor may be
14 related to the survivor reporting to the higher education
15 institution or disclosing to another person or persons
16 that the survivor is a survivor of sexual violence,
17 domestic violence, dating violence, stalking, doxing,
18 digital sexual harassment, or any other sex-based
19 harassment. Any such report, claim, counterclaim, or
20 complaint to the higher education institution alleging
21 that the survivor has violated the higher education
22 institution's policies shall be reviewed by an agent of
23 the institution with decision-making authority to
24 determine if it is retaliatory. If the agent determines,
25 by a preponderance of the evidence, that such report,
26 claim, counterclaim, or complaint is (A) retaliatory and

1 (B) either (i) based on, because of, or in response to the
2 survivor's report of sexual violence, domestic violence,
3 dating violence, stalking, doxing, digital sexual
4 harassment, or any other sex-based harassment to the
5 higher education institution, (ii) related to the survivor
6 speaking, writing, or sharing information about sexual
7 violence, domestic violence, dating violence, stalking,
8 doxing, digital sexual harassment, or any other sex-based
9 harassment, or (iii) based on the survivor naming the
10 respondent as the person who caused the survivor harm,
11 then the report, claim, counterclaim, or complaint against
12 the survivor shall be dismissed. The review must be
13 completed within 45 days after the report, claim,
14 counterclaim, or complaint being submitted to the higher
15 education institution, and written notice of the
16 determination must be provided to the survivor and the
17 respondent or any other complainant no later than 10 days
18 after completion of the review.

19 (Source: P.A. 99-426, eff. 8-21-15.)

20 (110 ILCS 155/30)

21 Sec. 30. Campus training, education, and awareness.

22 (a) On or before August 1, 2016, a higher education
23 institution shall prominently publish, timely update, and have
24 easily available on its Internet website all of the following
25 information:

1 (1) The higher education institution's comprehensive
2 policy, as well as options and resources available to
3 survivors.

4 (2) The higher education institution's student
5 notification of rights and options described in Section 15
6 of this Act.

7 (3) The name and contact information for all of the
8 higher education institution's Title IX coordinators.

9 (4) An explanation of the role of (i) Title IX
10 coordinators, including deputy or assistant Title IX
11 coordinators, under Title IX of the federal Education
12 Amendments of 1972, (ii) responsible employees under Title
13 IX of the federal Education Amendments of 1972, (iii)
14 campus security authorities under the federal Jeanne Clery
15 Disclosure of Campus Security Policy and Campus Crime
16 Statistics Act, and (iv) mandated reporters under the
17 Abused and Neglected Child Reporting Act and the reporting
18 obligations of each, as well as the level of
19 confidentiality each is allowed to provide to reporting
20 students under relevant federal and State law.

21 (5) The name, title, and contact information for all
22 confidential advisors, counseling services, and
23 confidential resources that can provide a confidential
24 response to a report and a description of what
25 confidential reporting means.

26 (6) The telephone number and website URL for

1 community-based, State, and national hotlines providing
2 information to sexual violence survivors.

3 (b) Beginning with the 2016-2017 academic year, each
4 higher education institution shall provide sexual violence
5 primary prevention and awareness programming for all students
6 who attend one or more classes on campus, which shall include,
7 at a minimum, annual training as described in this subsection
8 (b). Nothing in this Section shall be construed to limit the
9 higher education institution's ability to conduct additional
10 ongoing sexual violence primary prevention and awareness
11 programming.

12 Each higher education institution's annual training shall,
13 at a minimum, provide each student who attends one or more
14 classes on campus information regarding the higher education
15 institution's comprehensive policy, including without
16 limitation the following:

17 (1) the institution's definitions of consent,
18 inability to consent, and retaliation as they relate to
19 sexual violence;

20 (2) reporting to the higher education institution,
21 campus law enforcement, and local law enforcement;

22 (3) reporting to the confidential advisor or other
23 confidential resources;

24 (4) available survivor services; and

25 (5) strategies for bystander intervention and risk
26 reduction.

1 At the beginning of each academic year, each higher
2 education institution shall provide each student of the higher
3 education institution with an electronic copy or hard copy of
4 its comprehensive policy, procedures, and related protocols.

5 (c) Beginning in the 2016-2017 academic year, a higher
6 education institution shall provide annual survivor-centered
7 and trauma-informed response training to any employee of the
8 higher education institution who is involved in (i) the
9 receipt of a student report of an alleged incident of sexual
10 violence, domestic violence, dating violence, or stalking,
11 (ii) the referral or provision of services to a survivor, or
12 (iii) any campus complaint resolution procedure that results
13 from an alleged incident of sexual violence, domestic
14 violence, dating violence, or stalking. Employees falling
15 under this description include without limitation the Title IX
16 coordinator, members of the higher education institution's
17 campus law enforcement, and campus security. An enrolled
18 student at or a contracted service provider of the higher
19 education institution with the employee responsibilities
20 outlined in clauses (i) through (iii) of this paragraph shall
21 also receive annual survivor-centered and trauma-informed
22 response training.

23 The higher education institution shall design the training
24 to improve the trainee's ability to understand (i) the higher
25 education institution's comprehensive policy, including the
26 anti-retaliation policy and procedure provisions; (ii) the

1 relevant federal and State law concerning survivors of sexual
2 violence, domestic violence, dating violence, and stalking at
3 higher education institutions; (iii) the roles of the higher
4 education institution, medical providers, law enforcement, and
5 community agencies in ensuring a coordinated response to a
6 reported incident of sexual violence; (iv) the effects of
7 trauma on a survivor; (v) the types of conduct that constitute
8 sexual violence, domestic violence, dating violence, and
9 stalking, including same-sex violence; and (vi) consent and
10 the role drugs and alcohol use can have on the ability to
11 consent. The training shall also seek to improve the trainee's
12 ability to respond with cultural sensitivity; provide services
13 to or assist in locating services for a survivor, as
14 appropriate; and communicate sensitively and compassionately
15 with a survivor of sexual violence, domestic violence, dating
16 violence, or stalking.

17 (Source: P.A. 99-426, eff. 8-21-15.)

18 (110 ILCS 155/50 new)

19 Sec. 50. Cause of action. Violations of this Act are
20 actionable in civil court. A survivor has a cause of action
21 against any higher education institution that fails to
22 exercise due diligence in accordance with this Act in
23 responding to sexual violence, domestic violence, dating
24 violence, stalking, doxing, digital sexual harassment, or any
25 other sex-based harassment that the higher education

1 institution knew or should have known about.

2 (110 ILCS 155/55 new)

3 Sec. 55. Relief. A prevailing survivor is entitled to
4 relief that includes, but is not limited to:

5 (1) declaratory relief;

6 (2) injunctive relief;

7 (3) recovery of costs and attorney's fees, including,
8 but not limited to, costs for expert testimony and witness
9 fees;

10 (4) compensatory damages, including, but not limited
11 to, economic loss, including damage to, destruction of, or
12 loss of use of personal property, lost wages, or loss of
13 past or future earning capacity;

14 (5) damages for personal injury, disease, or mental or
15 emotional harm, including medical, rehabilitation, pain
16 and suffering, or physical impairment; and

17 (6) punitive damages.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 110 ILCS 155/5

4 110 ILCS 155/10

5 110 ILCS 155/15

6 110 ILCS 155/20

7 110 ILCS 155/25

8 110 ILCS 155/30

9 110 ILCS 155/50 new

10 110 ILCS 155/55 new